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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,114	03/12/2004	Kwang-Uk Kim	678-1225 (P11205)	8916
28249	7590	10/05/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			FIGUEROA, MARISOL	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/800,114

Applicant(s)

KIM, KWANG-UK

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-8** are rejected under 35 U.S.C. 102(a) as being anticipated by **Fukazawa JP 2003264616A** (see electronic translation).

**Regarding claim 1**, Fukazawa discloses a method for taking a photograph using a mobile communication terminal having a camera (Abstract; P.0001), the method comprising the steps of:

entering a remote-control photographing mode (P.0035 - P.0036; a user chooses the remote-operation photography from a menu);

receiving a call having a caller ID (CID) (P.0011; P.0037; a user originates a call, e.g. mail, to the cellular phone with digital camera which has an associated telephone number from the terminal the call is made);

determining whether the CID of the received call corresponds to a CID stored in a memory of the terminal (P.0011; P.0016; P.0022; P.0037; the cellular phone judges if the telephone number associated with the mail, i.e. call, it was specified and stored in the cellular phone); and

operating the camera to take a photograph when the CID of the received call corresponds to the stored CID (Abstract; P.0011; P.0039-0040; when the telephone number of the mail is in agreement with the specified telephone number the camera control section actuates the camera to

capture an image).

**Regarding claim 2**, Fukazawa discloses a method as claimed in claim 1, wherein the call includes a telephone number and a message of a short message service (SMS) (P.0011; P.0016, lines 5-10; P.0038; the incoming mail, i.e. call, has an associated telephone number, note that a e-mails are well known examples of short messages).

**Regarding claim 3**, Fukazawa discloses a method as claimed in claim 2, wherein a remote-control setting screen for inputting telephone numbers assigned to remote-control the camera is displayed upon entering the remote-control photographing mode (P.0036; after the user chooses the remote-operation photography the user chooses or specifies the telephone number which will trigger the remote operation of the camera).

**Regarding claim 4**, Fukazawa discloses a method as claimed in claim 3, wherein the remote-control setting screen includes a menu for determining acceptance or rejection of a call having a non-assigned telephone number (P.0036; P.0038; the user chooses or specifies the telephone numbers that will trigger the camera of the cell phone to take a picture, incoming calls from other telephone numbers not chosen are refused or rejected).

**Regarding claim 5**, Fukazawa discloses a method as claimed in claim 4, wherein the SMS message is displayed on the menu for determining acceptance or rejection of the call having the non-assigned telephone number (P.0036-P.0038; the user chooses or specifies the telephone numbers that will trigger the camera of the cell phone to take a picture, incoming calls from other telephone numbers other telephone numbers not chosen are refused or rejected, note that a mail, i.e. SMS, is associated with a telephone number).

**Regarding claim 6**, Fukazawa discloses a method as claimed in claim 4, wherein a call-back number included in the SMS message is stored in the memory of the terminal for operating the

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camera to take a photograph (P.0011, lines 3-9; P.0022, lines 0022; the telephone number associated with the mail is memorized in the storage section 14 of the cell phone to release an actuation control instruction to actuate the camera).

**Regarding claim 7**, Fukazawa discloses a mobile communication terminal having a camera comprising (Abstract; P.0001):

a storing section for storing telephone numbers assigned to remote-control the camera (Drawing 2; P.0029, lines 3-4; P.0036; the cell phone has an storage section 14 to memorize data such as telephone numbers); and

a control section for operating the camera to take a photograph when a remote-control photographing mode is selected and a telephone number of a call received in the mobile communication terminal matches the telephone number assigned to remote-control the camera (P.0022; P.0039-0040; the camera control section 12 actuates the camera to take a picture when the telephone number of the mail, i.e. call, is in agreement with an specified telephone number).

**Regarding claim 8**, Fukazawa discloses a mobile communication terminal as claimed in claim 7, wherein the call includes a message of a short message service (SMS) (P.0011; P.0016, lines 5-10; P.0038; note that a e-mails are well known examples of short messages).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marisol Figueroa  
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